

ing to recede from my position in order that all of our differences may be composed and legislation speedily enacted which will continue servicing the eligible obligations and at the same time determine the policy of the Legislature with reference to the surplus.

Recently I issued a statement urging some agreeable compromise which would permanently solve this question. In that statement no indication was given as to the form this compromise proposal should take. Later, however, I did submit to a number of those interested, a proposal to return the surplus to the Highway Department and that as long as the surplus is Two Million Dollars or less that this money be placed in a separate fund to be known as the State Farm-to-Market Road Fund and to be used by the State Highway Department in the construction and maintenance of roads which were not a part of the maintained system of State designated highways as of January 1, 1941; and that whenever the surplus should be in excess of Two Million Dollars that any sum over and above the Two Million be divided equally between the State Farm-to-Market Road Fund, and the State Highway Fund.

This proposed plan met with considerable favor, and also with some opposition. I am thoroughly convinced that the plan has merit and I firmly believe the time is not far distant when we will inaugurate a permanent farm-to-market road plan in Texas, under the supervision and direction of the State Highway Department. During the time I have advocated this plan I have also been listening carefully to the suggestions made to me by members of the Legislature.

From all of these suggestions, I have arrived at the conclusion that the plan upon which a majority of both houses will agree is that the right-of-way costs heretofore incurred by the counties and defined road districts on roads which are now a part of the maintained State system of designated highways and which are represented by legally issued bonds, warrants and other evidences of indebtedness outstanding and unpaid as of September 1, 1941, be serviced in the same manner as other eligible obligations, the proceeds of which were used in the construction of said highways, and that after such right-

of-way costs are so serviced then any surplus remaining in said fund shall be returned to the Highway Department.

This is the plan I am recommending to this session of the Legislature with the hope that it will be speedily enacted and evidence given to the people that this Legislature is capable of the speedy solution of this and all other problems of legislation which may be submitted to them.

Respectfully submitted,  
COKE R. STEVENSON.

At the conclusion of the message, the Senate repaired to the Senate chamber.

#### In the Senate

Senator Shivers called the Senate to order at 1:35 o'clock p. m.

#### Adjournment

On motion of Senator Moore, the Senate, at 1:40 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### SECOND DAY

(Wednesday, September 10, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Beck.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Kelley was granted leave of absence for today on account of illness, on motion of Senator Stone.

Senator Weinert was granted leave of absence for today on account of important business, on motion of Senator Smith.

**Report of Standing Committee**

Senator Moore submitted the following report:

Senate Chamber,  
Austin, Texas,  
September 9, 1941.

Hon. E. Harold Beck, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 2, A bill to be entitled "An Act amending Chapter 13, Acts Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to building, maintaining and financing State designated roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties and obligations of said Board; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed but not otherwise printed.

MOORE, Chairman.

(Senator Ramsey in the Chair.)

**Message from the House**

The Assistant Reading Clerk of the House was recognized by the Presiding Officer to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
September 10, 1941.

Hon. E. Harold Beck, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 1, A bill to be entitled "An Act appropriating the sum of

One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, payable out of the General Revenue Fund and not otherwise appropriated, to pay the mileage of members, their per diem and contingent expenses, and to pay the salaries and per diem of officers and employees of the First Called Session of the Forty-seventh Legislature of the State of Texas, and to pay any unpaid accounts incurred by the Regular Session of the Forty-seventh Legislature; appropriating the sum of Seven Thousand, Five Hundred (\$7,500.00) Dollars, or so much thereof as may be necessary, to the Executive Department as an addition to item 14 of the appropriation to the Executive Department by S. B. No. 423, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

H. C. R. No. 3, Authorizing the State Highway Department to lend the School Board of the Weaver Common School District all of the discarded pipe from the abandoned road between Timpson, Texas, and Garrison, Texas.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

(President Pro Tempore Beck in the Chair.)

**House Bill on First Reading**

H. B. No. 1, received from the House today, was laid before the Senate, read first time and referred to the Committee on Finance.

Pending an address to the Senate by Senator Hill on a question of personal privilege, Senator Aikin occupied the Chair temporarily.

(President Pro Tempore Beck in the Chair.)

**Report of Standing Committee**

Senator Aikin, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
September 10, 1941.

Hon. E. Harold Beck, President Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act appropriating the sum of One Hundred and Fifty Thousand (\$150,000) Dollars, or as much thereof

as may be necessary, payable out of the General Revenue Fund and not otherwise appropriated, to pay the mileage of members, their per diem and contingent expenses, and to pay the salaries and per diem of officers and employees of the First Called Session of the Forty-seventh Legislature of the State of Texas, and to pay any unpaid accounts incurred by the Regular Session of the Forty-seventh Legislature; appropriating the sum of Seven Thousand, Five Hundred (\$7,500) Dollars, or so much thereof as may be necessary, to the Executive Department as an addition to Item 14 of the appropriation to the Executive Department by S. B. No. 423, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

#### House Bill 1 on Second Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Kelley	Weinert
Spears	

The President Pro Tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 1 on Third Reading

The President Pro Tempore then laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Kelley	Weinert
Spears	

(Senator Winfield in the Chair.)

#### Senate Resolution 3

Senator Brownlee offered the following resolution:

Whereas, The Honorable Ken McClure, of Fort Worth, Texas, commentator and news broadcaster on KGKO and WBAP radio stations of Fort Worth, Texas, rendered invaluable service to the Joint Inaugural Committee in charge of the inauguration of Governor Coke R. Stevenson on August 8, 1941, and also rendered service prior thereto; and

Whereas, He made a trip to Austin for this occasion at his own expense, and directed the broadcasting of the ceremonies over Texas Quality Networks, Texas State Networks, and the Lone Star Chain, and was in great measure personally responsible for the publicity advising the people of Texas of the approaching program, and so directed the broadcast of the ceremonies that a perfect description of the same, as well as the inaugural address, was available over the radios of all the citizens of Texas; and

Whereas, Your Committee is very grateful to Mr. McClure for said services; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to Mr. Ken McClure.

BROWNLEE, Chairman.

FAIN,  
ISELL,  
MARTIN,  
FORMBY,

Inaugural Committee.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 4

Senator Brownlee offered the following resolution:

Whereas, All the Editors of daily newspapers in Texas rendered great service to the Joint Inaugural Committee in charge of the Inauguration of Governor Coke R. Stevenson, on August 8, 1941, by giving to such an event some splendid publicity, and by advising the people of Texas of the approaching inauguration of Governor Stevenson, and by their full, accurate and favorable reporting of the ceremonies and of the inaugural address; and

Whereas, Your Committee is very grateful to all the editors of daily newspapers in Texas; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to these gentlemen of the press.

BROWNLEE, Chairman,

FAIN,  
ISELL,  
MARTIN,  
FORMBY,

Inaugural Committee.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 5

Senator Brownlee offered the following resolution:

Whereas, The Austin Chamber of Commerce, through its President, Mr. Ben Warden, and its Manager, Mr. W. E. Long, rendered invaluable service to the Joint Inaugural Committee in charge of the Inauguration of Governor Coke R. Stevenson, on August 8, 1941, by giving freely of their

time to arrange many small details of the inauguration, by advancing the funds to defray the expenses incident to the inauguration, by helping to direct the program as a whole, and by cooperating completely with the Committee and rendering aid in every possible way; and,

Whereas, Your Committee is very grateful to Messrs. Warden and Long and to the Austin Chamber of Commerce as a whole; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to them.

BROWNLEE, Chairman,

FAIN,  
ISELL,  
MARTIN,  
FORMBY,

Inaugural Committee.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 6

Senator Brownlee offered the following resolution:

Whereas, The Honorable Amon Carter of Fort Worth, Texas, Honorable Houston Harte of San Angelo, Texas, Honorable William S. Clark, Jr., of Dallas, Texas, and Governor W. P. Hobby of Houston, Texas, rendered invaluable service to the Joint Committee in charge of the Inauguration of Governor Coke R. Stevenson on August 8, 1941, by arranging for the free use of the Texas Quality Network, the Lone State Chain, and the Texas State Network, in order that the ceremonies and the inaugural address might be broadcast over the whole State of Texas, and by giving freely of their time to aid and assist the Committee in every way they could; and

Whereas, Your Committee is very grateful to Messrs. Carter, Harte, Clark and to Governor Hobby for said services; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to these fine gentlemen.

BROWNLEE, Chairman,

FAIN,  
ISELL,  
MARTIN,  
FORMBY,

Inaugural Committee.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 7

Senator Brownlee offered the following resolution:

Whereas, The Honorable Corwin Ridell, of San Antonio, Texas, commentator and news broadcaster on WOAI, radio station in San Antonio, Texas, rendered invaluable service to the Joint Inaugural Committee in charge of the inauguration of Governor Coke R. Stevenson on August 8, 1941, by helping to advise the people of Texas of the approaching program on that day; and

Whereas, This service was rendered to the Committee gratuitously by Mr. Ridell; and

Whereas, Your Committee is very grateful to Mr. Ridell for said services; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to Mr. Corwin Ridell.

BROWNLEE, Chairman,  
FAIN,  
ISEBELL,  
MARTIN,  
FORMBY,  
Inaugural Committee.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 8

Senator Brownlee offered the following resolution:

Whereas, The undersigned members of the Senate Committee for the Inauguration of the Governor, Honorable Coke R. Stevenson, on August 8, 1941, acting in conjunction with the Committee of the House, have performed the duties required of it; and

Whereas, The Honorable Max Bickler and the Honorable Ernest Boyett acted as secretaries of the committees of both the House and the Senate; and

Whereas, This gratuitous service was rendered by Mr. Bickler and by Mr. Boyett, and they both worked untiringly in assisting said committees, and their services were invaluable to said committees; and

Whereas, Your Committee is very grateful to Mr. Bickler and to Mr. Boyett for said services; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to Mr. Max Bickler and Mr. Ernest Boyett.

BROWNLEE, Chairman,  
FAIN,  
ISEBELL,  
MARTIN,  
FORMBY,  
Inaugural Committee.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 9

Senator Chadick offered the following resolution:

Whereas, Gus F. Taylor of Tyler, Texas, is one of the outstanding bankers of Texas; and

Whereas, Gus F. Taylor has always been a leader in all civic enterprises in his home town of Tyler and East Texas; and

Whereas, His fellow citizens of Tyler have selected him as Tyler's outstanding citizen of the year; and

Whereas, His life has been an inspiration to the young men and women of this State; now, therefore, be it

Resolved by the Senate of Texas, That the Senate of Texas extend congratulations and felicitations to him on his eightieth birthday, and wish for him many additional happy and useful years.

CHADICK,  
WEINERT,  
HILL,  
VICK.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

#### Message from the Governor

The Presiding Officer laid before the Senate and had read the following message from the Governor.

September 9, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments which were made

by Governor W. Lee O'Daniel subsequent to the adjournment of the Regular Session of the Forty-seventh Legislature:

To be Members of the Board of Directors of the Brazos River Conservation and Reclamation District for six year terms expiring February 1, 1947:

Dr. M. H. Brannen of Spur, Dickens County;

William Sandefer of Franklin, Robertson County.

To be a Member of the State Board of Education to succeed Pat Hooks, resigned, term expiring January 1, 1947:

Phillip M. Stevenson of Houston, Harris County.

To be Members of the State Board of Health for six year terms expiring June 15, 1947:

Dr. W. P. Harrison of Teague, Freestone County;

Dr. F. C. Elliott of Houston, Harris County;

Dr. John A. Hart of Beaumont, Jefferson County.

To be a Member of the State Board of Pharmacy to succeed E. M. Joseph, resigned, term expiring June 14, 1947:

S. W. Patrick of Edinburg, Hidalgo County.

To be a Member of the Rio Grande Compact Commission to succeed Julian Harrison, deceased, term expiring July 16, 1943:

J. E. Quaid of El Paso, El Paso County.

To be Commissioners to the National Conference of Commissioners on Uniform State Laws, four year terms expiring July 7, 1945:

J. L. Goggans of Dallas, Dallas County;

E. E. Murphy of San Angelo, Tom Green County;

L. P. Lollar of Houston, Harris County;

W. M. Crook of Beaumont, Jefferson County;

Palmer Hutcheson of Houston, Harris County.

To be Firemen's Pension Commissioner for a two year term expiring July 1, 1943:

H. B. Satterfield of Lufkin, Angelina County.

To be District Judge of Special District Court for Nueces County:

Allen Wood of Corpus Christi, Nueces County.

To be District Judge of the 37th Judicial District to succeed Honorable Harry L. Howard, deceased:

Raymond Edwards of San Antonio, Bexar County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

September 9, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Regents of Texas College of Arts and Industries at Kingsville for six year terms expiring August 31, 1947:

Morris Roberts of Victoria, Victoria County;

H. E. Butt of Corpus Christi, Nueces County;

Mrs. J. E. King of San Antonio, Bexar County.

To be Members of the Game, Fish and Oyster Commission for six year terms expiring September 1, 1947:

Gene Howe of Potter County;

Gordon Stewart of Sutton County.

To be Chairman of the Game, Fish and Oyster Commission, term expiring September 1, 1943:

Murrell Buckner of Dallas, Dallas County.

To be a Member of the Board of Directors of the Agricultural and Mechanical College of Texas to succeed the Honorable E. J. Kiest, deceased, term expiring January 10, 1945:

Neth L. Leachman of Dallas, Dallas County.

To be Banking Commissioner of Texas for a two year term expiring September 13, 1943:

John Q. McAdams of Winters, Runnels County.

To be District Judge of the 49th Judicial District to succeed Honorable John A. Valls, deceased:

A. P. Johnson of Carrizo Springs, Dimmit County.

To be District Judge of the 49th Judicial District to succeed Honorable A. P. Johnson, resigned:

R. D. Wright of Laredo, Webb County.

To be District Judge of the 111th Judicial District to succeed R. D. Wright, appointed District Judge of the 49th Judicial District:

James M. Williamson of Laredo, Webb County.

To be District Judge of the Criminal District Court, Place 1, Harris County, to succeed Honorable Whit Boyd, deceased.

Frank Williford, Jr., of Houston, Harris County.

To be Branch Pilots for Sabine Bar, Pass and Tributaries for two year terms expiring September 3, 1943:

J. M. Cox of Jefferson County;

F. D. French of Jefferson County;

S. W. Levingston, Jr., of Jefferson County;

Arne Pedersen of Jefferson County;

G. Rodney Robinson of Jefferson County.

To be Branch Pilots for Sabine Bar, Pass and Tributaries for two year terms expiring August 11, 1943:

G. H. McFarland of Jefferson County;

Christian F. Petersen of Jefferson County;

V. R. Westbrook of Jefferson County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

(President Pro Tempore Beck in the Chair.)

#### Adjournment

Senator Moffett moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Metcalfe moved that the Senate recess to 3:00 o'clock p. m. today.

The motion to adjourn prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### Record of Votes

Senators Graves, Stone and Aikin asked to be recorded as voting "nay" on the motion to adjourn.

### THIRD DAY

(Thursday, September 11, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Beck.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Hazlewood was granted leave of absence for today on account of illness, on motion of Senator Aikin.

#### Message from the House

The Assistant Reading Clerk of the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
September 11, 1941.

Hon E. Harold Beck, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 3, A bill to be entitled "An Act validating elections heretofore held in any independent school district in this State, at which a maintenance tax for the amount and pur-